

# California Legal Authorities

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# Policy of the American Water Works Association

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- Recommends that every water utility meter all water taken into its system and all water distributed from its system to its users.



# The California Water Use Measurement Law

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- Legislature finds and declares that it is necessary to determine the quantities of water in use throughout the state to the maximum extent that is reasonable to do so, and that unmeasured water use causes waste and unreasonable use which should be identified, isolated, and eliminated.

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# The California Water Use Measurement Law

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- Sets state goal of installing meters on all new water service connections after January 1, 1992.
- Requires that domestic cold water meters comply with AWWA standards and be approved by State Director of Food and Agriculture.



# Water Code Section 110

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- Requires metering of all new potable water service starting January 1, 1992.



# County Sealers of Weights and Measures

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- Shall inspect, try and test all instruments for measurements used by any proprietor, agent, lessee or employee for commercial purposes.



# California Department of Food and Agriculture

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- Division of Measurement Standards has general supervision of the weights and measures and weighing and measuring devices sold or used in the state.
- Adopts by regulation the latest standards of the National Conference on Weights and Measures, National Institute of Standards and Technology Handbook 44, including those applicable to devices for the measurement of water.



# California Public Utilities Commission

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## Scope of Jurisdiction

- Regulates privately-owned public utilities and some municipally-owned public utilities.
- By statute, Legislature has defined “public utility” to include certain water corporations.
- CPUC jurisdiction only extends to public utilities where utility property has been dedicated to public use.

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# California Public Utilities Commission

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## Where CPUC has jurisdiction:

- It has very broad powers to supervise and regulate, and “may do all things . . . necessary and convenient in the exercise of such power and jurisdiction.”
- Under the California Constitution, “A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission.”

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# California Public Utilities Commission

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## Where CPUC has jurisdiction:

- It is specifically empowered to impose water measurement standards.
- General Order 103 sets minimum standards for water meters applicable to CPUC-regulated water corporations, requires measurement of water production, and requires volumetric sales, except that flat rate or estimated service is allowed if CPUC authorization is first obtained.



# Urban Water Management Planning

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- Urban water suppliers shall adopt a water management plan, including descriptions of past and projected water use.
- DWR considers plan adoption and implementation when evaluating grant and loan applications.



# AWMC MOU

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- Memorandum of Understanding Regarding Efficient Water Management Practices for Agricultural Water Suppliers
- MOU signatories become members of Agricultural Water Management Council, and plan and implement cost-effective efficient water management practices, including water use measurement.



# CUWCC MOU

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- Memorandum of Understanding Regarding Urban Water Conservation in California
- MOU signatories become members of California Urban Water Conservation Council and undertake a good faith effort to implement best management practices, including metering of all connections and volumetric billing.



# Bureau of Reclamation Contracts

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- All CVP water service or repayment contracts shall ensure that all surface water delivery systems are equipped with water measuring devices or methods acceptable to the Secretary.
- Districts with certain types of Bureau contracts must submit water management plans, describing measurement devices and implementing critical BMPs, including measuring agricultural deliveries and metering all urban connections.



# Water Forum Agreement

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- MOU signatories in Sacramento region agree to implement certain actions, including CUWCC water conservation plans and BMPs, and specifically including residential retrofit of unmetered connections and conservation pricing.



# Authority Common to SWRCB and DWR

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- DWR and SWRCB “shall take all appropriate proceedings or actions before executive, legislative, or judicial agencies to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. . . .”



# Department of Water Resources

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- DWR may investigate water use.
- DWR or any other public agency that supplies water for agricultural use may institute a water conservation program, including using, providing to farmers, or assisting farmers in the use of flow measuring devices.
- DWR shall update California Water Plan every five years, and release a preliminary draft that identifies assumptions and estimates relating to current and projected water use for urban and open space uses.



# State Water Resources Control Board

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- Holders of riparian and pre-1914 appropriative rights must submit statements of water diversion and use every three years, indicating quantity of water used.
- Holders of permits for surface diversion or storage or underground storage may be required to establish suitable measuring and recording devices.

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# State Water Resources Control Board

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- A permittee must submit annual progress reports, and, after perfection of water right, a licensee must submit progress reports every three years, specifying the amount of water taken.

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# State Water Resources Control Board

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- Persons extracting more than 25 acre-feet of groundwater per year in Riverside, San Bernardino, Los Angeles, and Ventura Counties must file a notice of extraction and diversion of water with SWRCB, stating quantity of ground- and surface-water taken and method of measurement over preceding ten years.



# Measurement in Watermaster Service Areas

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- Owners of conduits and certain reservoirs within watermaster service areas are required to construct and maintain such flow measuring devices as DWR may require, to assist the watermaster in determining the amounts being diverted and applied to beneficial use.



# Groundwater Management Programs

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- Any local agency can adopt a groundwater management plan, and may, after an election, impose fees and assessments based on amounts extracted.



# Groundwater Management Districts

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- Several distinct statutes create groundwater management districts, typically empowering districts to require or engage in measurement of water use.



# Transfers and Conjunctive Use

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- Before allowing certain kinds of transfers, the SWRCB must review available records and find that the change will not injure another lawful user or unreasonably affect fish and wildlife, and, as is also required with CVPIA transfers, must determine further if the water proposed to be transferred would have otherwise been consumptively used.

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# Transfers and Conjunctive Use

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- In allowing a surplus water transfer involving conserved water, the SWRCB may require the user to file reports describing the amount of reduction of water use due to conservation efforts.
- In allowing pumping in lieu of using surface water, the SWRCB may require the user to file reports describing the amount of reduction of water use due to substitution of an alternate supply.

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# Transfers and Conjunctive Use

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- Any user of imported or conserved surface water using such water in lieu of groundwater extraction shall file with the SWRCB an annual statement of the amount applied to reasonable beneficial use.

